

### **REMARKS**

As a result of this amendment, which is filed in response to the Office Action of May 22, 2008, claims 1-15 and 17-28 are now pending in this application. Of these, claims 15 and 17-20 stand allowed, and claims 11-14, 23-26 and 28 were indicated to be allowable if rewritten in independent form. Claims 1-14 and 21-28 were rejected as indefinite under 35 U.S.C. §112 and claims 10, 21-22, and 27 were rejected as anticipated under 35 U.S.C. §102(b). A detailed response, subject to reservations of rights noted below, follows.

#### **Response to Information Disclosure Statement Issue**

In the Action, the Examiner asked for publications dates for several references cited in an Information Disclosure Statement. Applicant has endeavored to provide these dates and is reciting the references on new Supplemental IDS that includes additional references for consideration.

#### **Response to §112 Rejections**

Claims 1-14 and 21-28 were rejected under 35 U.S.C. §112, second paragraph, for indefiniteness. Specifically, the Examiner noted a concern that preamble of these claims referred to a method of billing, but the body of these claims did not express how the bill is generated. In response, applicant has deleted the phrase “of billing” from the preamble of the claims.

Accordingly, applicant requests respectfully that the Examiner reconsider and withdraw the §112 rejection.

#### **Response to §102 Rejection**

The Examiner rejected claims 8-10, 21-22 and 27 under 35 U.S.C. §102(b) as allegedly anticipated by Jeppesen (U.S. Patent No. 4,924,387), citing specifically figures 6, 7, and 10. In response, applicant submits respectfully that one of skill would not regard Jeppesen as identically meeting each and every requirement of claims 8-10, 21, 22, and 27.

For example, claims 8-10 require an act of “disabling, by the computer aided transcription system, the transcribing after a predetermined amount of transcription has been

reached.” There is nothing in Jeppesen that meets this requirement. A computer search of Jeppesen’s text reveals that is entirely devoid of the term stem “disabl.” Moreover, the Figures cited by the examiner, particularly Figure 7 and supporting text, appear only to indicate that an alarm is tripped when a running average of input strokes exceeds a limit. There is no indication that transcription is actually disabled.

Accordingly, applicant requests respectfully that the Examiner reconsider and withdraw the §102 rejection of claims 8-10.

Claims 21, 22, and 27 also distinguish from Jeppesen. For example, these claims require “communicating to a computer aided transcription system an authorization for real time transcription of spoken words.” Applicant found nothing in Jeppesen that one of skill would regard as communicating any kind authorization, and more specifically “an authorization for a specific amount of real time transcription.” Indeed, a computer search of Jeppesen’s text reveals zero occurrences of the terms “authorization” and “authorize.” Moreover, the only “thing” that appears to communicate *to* Jeppesen’s system is the stenographer, since all other elements shown appear to be part of the system itself.

Accordingly, applicant requests respectfully that the Examiner reconsider and withdraw the §102 rejection of claims 21, 22, and 27.

#### **Reservation of Rights**

In the interest of clarity and brevity, Applicant may not have equally addressed every assertion made in the Office Action, however, this does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted or implied factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based expressly or impliedly upon the Examiner’s personal knowledge, rather than any objective

evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on an express or implied Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (612) 349-9593 to facilitate prosecution of this application.

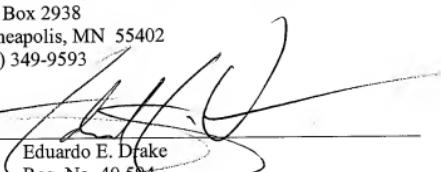
If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 349-9593

By

Eduardo E. Drake  
Reg. No. 40,594



Date November 24, 2008

**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 24<sup>th</sup> day of November, 2008.

/ Jonathan Ferguson /

Jonathan Ferguson